

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

JEFF BECK, individually; ROBERT  
ODENWELLER, individually; TERRI  
ODENWELLER, individually; AMY  
WEINBERG, individually; ZAC  
WEINBERG, individually; ALTA  
VIEWS, LLC; RIVERVIEW  
COMPANY, LLC; and on behalf of a  
class of similarly situated persons and  
entities,

Plaintiffs,

vs.

CITY OF WHITEFISH, a Montana  
municipality, and DOES 1-50,

Defendants.

CITY OF WHITEFISH, a Montana  
municipality,

Third-Party Plaintiff,

vs.

FINANCIAL CONSULTING  
SOLUTIONS GROUP, INC.,

Third-Party Defendant.

CV 22-44-M-KLD

ORDER

The Court held a telephonic status conference in this case on January 3,  
2023. (Doc. 56). As discussed at the conference, the order entered on December

27, 2022 (Doc. 51) is hereby VACATED and the following order is entered in its place.

On December 23, 2022, Defendant/Third-Party Plaintiff City of Whitefish filed a motion to vacate the current scheduling order and stay Plaintiffs' Motion for Class Certification. (Doc. 49). The City recently obtained leave to file a Third-Party Complaint against Financial Consulting Solutions Group, Inc. (FCS) and argues that if the current pretrial schedule remains in place, FCS will not have the opportunity to oppose Plaintiffs' motion for class certification, and will not have adequate time to procure an expert, engage in discovery, and conduct motion practice. (Doc. 50 at 5). The City also notes that its motion for judgment on the pleadings is still pending (Doc. 26), and argues it is in the interest of judicial economy for the Court to rule on that motion before determining the issue of class certification. (Doc. 50 at 7). The City therefore ask the Court to vacate the existing scheduling order, including the class certification briefing schedule. (Docs. 25, 37). Alternatively, if the Court denies its request to stay the class certification briefing, the City requests that the December 28, 2022 deadline to file an opposition brief be extended to February 11, 2022. (Doc. 50 at 9).

Plaintiffs oppose vacating the class certification briefing schedule, and have not yet briefed the issue of whether they oppose the City's request to vacate the scheduling order. (Doc. 49 at 2). Accordingly, and pending Plaintiffs' response to

the pending motion,

IT IS ORDERED that the December 28, 2022 deadline for the City to respond to Plaintiffs' motion for class certification is VACATED and will be reset if necessary after the Court rules on the City's motion to vacate the scheduling order and stay the motion for class certification.

IT IS FURTHER ORDERED that the Plaintiffs' response to the City's motion to vacate and stay (Doc. 49) shall be due on January 10, 2023, and the City's reply shall be due on January 17, 2023.

DATED this 3<sup>rd</sup> day of January, 2023.



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Kathleen L. DeSoto  
United States Magistrate Judge